

REMARKS

Applicant respectfully traverses the final rejection of claims 1-3 and 5 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over JP '964 in view of Saurer '504, and the rejection of claim 6 under 35 U.S.C. § 103 as being unpatentable (obvious) over JP '964 and Saurer and further in view of Graetzel '628.

While Applicant appreciates the Examiner's withdrawal of the previous rejections based on Saurer alone or in combination with Graetzel, Applicant must respectfully disagree with the Examiner's interpretation of the new primary reference JP '964, and respectfully submits that the Examiner has not made out a *prima facie* case of obviousness.

More specifically, and with respect to independent parent claim 1, and even agreeing with the Examiner's statement that the claim language should be given "its broadest reasonable interpretation", Applicant cannot find in paragraph 002 of JP '964 "the two current conducting strips (2a, 2b) are separated by a **narrow** insulating **strip** of the substrate..." and that "the windows (6a, 6b) are separated by a **strip** of the covering...". According to Webster's Dictionary, "a strip is a narrow piece of about **even width**, such as a strip of cloth or a strip of paper". Contrary to the Examiner's assertion, this definition cannot be found in Figure 2 of JP '964.

It is clear that the purpose of the invention disclosed in JP '964 is to provide a sensor plate having a plurality of **circular** measuring/reference windows (4a, 4b), formed by **round holes** (6a, 6b) [see § 0002, line 9], the windows being very spaced apart from each other, with a

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special coating containing an hygroscopic resin to prevent the enzyme immobilized membrane from being exfoliated, regardless of ambient atmosphere humidity.

The shape of these windows and their arrangement relative to each other are not at all a matter of concern, except that they are clearly circular, and there is no teaching or suggestion for:

bringing the circular windows closer to each other, a configuration which would in any event not lead to a reference window and a measuring window "separated by a narrow strip" as claimed by Applicant (claim 1); and/or

splitting a window into two parts delimiting a "reference" area and a "measuring" area (as required by claim 1), which would be contrary to the purpose of invention of JP '964.

Applicant respectfully submits that the Examiner has misunderstood Applicant's previous amendment wherein "oblong contour" was replaced by "round elongated contour"; however, in order to eliminate any confusion regarding what Applicant respectfully submits is an unreasonable interpretation of the previous claim amendments, Applicant has replaced in claims 1 and 2 the language "round elongated contour" by "elongated contour with rounded angles".

Thus, Applicant respectfully submits that JP '964 fails to support a finding of *prima facie* obviousness of the subject matter of Applicant's independent claim 1, in combination with Saurer and/or Graetzel. (Applicant incorporates herein by reference Applicant's previous analysis of the Saurer and Graetzel references.)

Accordingly, independent parent claim 1 should be allowable, as well as its dependent claims 2, 3, 5 and 6 reciting particular embodiments relating to the symmetry of the windows and the composition of the reactant.

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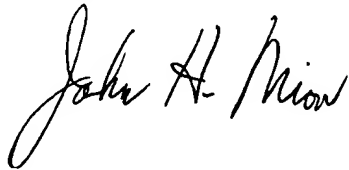
Thus, Applicant respectfully submits that the application now is in condition for allowance with claims 1, 2, 3, 5 and 6; however, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application. In this regard, Applicant respectfully submits that the above proposed amendments to claims 1 and 2 were not earlier made, because they were not deemed necessary until the Examiner's belated (unfounded) citation of JP '964; in any event, Applicant respectfully submits that the above proposed amendments to claims 1 and 2 do not necessitate any further search or reconsideration by the Examiner. Furthermore, if the Examiner does not find the application to be in condition for allowance, Applicant respectfully requests that the above proposed amendments be entered at least for the purpose of appeal. Applicant respectfully submits that an appeal should not be necessary in view of the above analysis of JP '964.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees

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under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,



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